

## **REMARKS**

Claims 1, 7 - 10, and 20 remain pending in the application.

Applicants are not conceding that the subject matter encompassed by the claims as presented prior to this Amendment is not patentable over the art cited by the Examiner, as claim amendments and cancellations in the present application are directed toward facilitating expeditious prosecution of the application and allowance of the currently-presented claims at an early date. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this Amendment and additional claims, in one or more continuing applications.

### **I. Rejection under 35 U. S. C. §103(a)**

Paragraph 6 of the Office Action dated June 4, 2008 (hereinafter, “the Office Action”) states that Claims 1, 7 - 10 and 20 are rejected under 35 U. S. C. §103(a) as being unpatentable over Lemay et al., “Laura Lemay’s Web Workshop JavaScript”, Sams.net, 1996, Chapters 10-11 (hereinafter, “Lemay”) in view of U. S. Patent No. 6,983,331 to Mitchell et al (hereinafter “Mitchell”) and further in view of the article by Smith, et al., “Scalable Multimedia Delivery for Pervasive Computing”, ACM, 1999, pp. 132-140 (hereinafter “Smith”). This rejection is respectfully traversed with regard to the claims as currently presented.

Applicants note that the Office Action includes confusing passages and fails to address

some of the subject matter in Claim 1.

For example, the Office Action states on page 3, line 17 thru page 4, line 6 that Lemay discloses “evaluating one or more factors to yield an evaluation result, wherein the one or more factors are determined from the specified conditions” and “using the evaluation results, at the client device, to select a particular one of the alternative selectable versions of the displayable content component from the syntax specifying the alternative selectable versions in the markup language document”. However, Applicants note that these passages were amended in prior responses and no longer recite the language listed above. Further, the Office Action explicitly states on page 4, lines 7 - 9, that Lemay *fails* to disclose much of the current claim language for the passages noted above.

Additionally, the Office Action on page 3, lines 9 - 13 states that Lemay discloses “receiving, at the client device from a server responsive to a request for a Web page, a markup language document corresponding to the requested that specifies [sic] a Web page”. This passage from lines 3 - 4 of Claim 1 has also been amended, and is now different from the language specified in the Office Action.

Further, the Office Action fails to address subject matter from lines 15 - 17, namely “to the specified conditions to select a particular one of the alternative selectable versions of the displayable content component from the syntax specifying the alternative selectable versions in

the markup language document”. Nothing from any of Lemay, Smith or Mitchell is apparently cited against this subject matter.

Page 3, lines 9 - 16 of the Office Action cites pages 227 - 228 of Lemay as disclosing some of the subject matter of Claim 1. However, the rejection of Claim 1 cites only Chapters 10 and 11 of Lemay, which encompass pages 191 - 215, which were also the only pages included with the Office Action. Similarly, the rejections of Claims 7 - 10 and 20 also cite passages from Lemay which do not fall within Chapters 9 and 10.

Accordingly, since the Office Action fails to address some of the subject matter in Claim 1, addresses a prior version of some of the language of a passage of Claim 1, and relies on portions of art not cited in or included with the Office Action, it follows that the Office Action has failed to present a prima facie case of obviousness under Section 103.

Specific differences between the present claimed invention and the cited art will now be discussed.

Lines 9 - 10 of Claim 1 recite “each of at least two of the at least three alternative selectable versions has a different media type”. Page 4, lines 17 - 18 explicitly states that Lemay fails to disclose this subject matter. Apparently, this subject matter is alleged to be disclosed by Smith in section 4.9. Smith has to do with scalable delivery of multimedia

documents. The most seemingly pertinent portion of section 4.9 simply states that “[t]he last policy substitutes the information images, i.e., logos, icons, mastheads, with related text if the device screen is small.” This passage from Smith seems to disclose two media types (image and text). However, in the Smith system, only a single version of the displayable content component is forwarded from the server is directed to transcoding the single version. “At least three alternative selectable versions”, as per Claim 1, are not taught or disclosed by Smith and are not received by the client device in Smith. Rather, a single version of content with nothing ‘selectable’ is forwarded by the server and received by the client, and transcoding is performed on the single version to change its ‘media type’ from image to text if deemed necessary. Passages from columns 3 - 4 and 8 and the abstract of Mitchell are also discussed with Smith, but neither passage discloses the concept of “at least three alternative selectable versions”, as per Claim 1.

Claim 1 also recites “responsive to subsequently detecting, at the client device, a change in the current window size, repeating the matching to select a different one of the alternative selectable versions, the selected different version having a second media type that is different from the first media type, and repeating the rendering, wherein the selected different one is rendered as the displayable content component.” The Office Action discusses this subject matter from Claim 1 in combination with the subject matter of Claim 1 discussed in the preceding paragraph. Once again, Smith and Mitchell do not teach, suggest or disclose this subject matter. The cited passages from Mitchell discuss the desirability of reducing or

eliminating the need to scroll when displaying content. Apparently, a server detects whether the browser window type is large enough for displaying content, and, if so, sends content and 'additional content' to the browser. If the window has been resized so that it is too small to actually display both contents, then the additional content is stored locally. Alternative selectable versions having different media types are not taught or disclosed by Mitchell. In Mitchell, if both the content and the additional content are found not to be simultaneously displayable by the browser, then the additional content is stored locally. The decision to send just the content or both the content and the additional content is apparently not made at the client. Smith does not overcome the shortcomings of Mitchell. As discussed above, Smith transcodes content. Accordingly, Claim 1 further distinguishes over the cited art.

Accordingly, a combination of Lemay, Mitchell and Smith (assuming, *arguendo*, that such combination could be made and that one of skill in the art was motivated to attempt it) does not yield Applicants' claimed invention as recited in independent Claim 1. Applicants therefore respectfully submit that Claim 1 is patentable over the references. Dependent Claims 7 - 10 and 20 are deemed patentable by virtue of (*inter alia*) the allowability of Claim 1 from which they depend.

The Examiner is therefore respectfully requested to withdraw the §103 rejection of all claims as currently presented.

## II. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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